

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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RICHARD RICHARDSON,
Plaintiff,

-against-

THOMAS D. WILSON, ESQ., DEPARTMENT OF
TRANSPORTATION OF BROOKLYN, CITY OF
NEW YORK, and NEW YORK CITY DEPARTMENT
OF PARKS AND RECREATION,
Defendants.

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ROSS, United States District Judge:

15-CV-5607 (ARR) (LB)

NOT FOR ELECTRONIC
OR PRINT PUBLICATION

OPINION & ORDER

Pro se plaintiff Richard Richardson filed this action on September 25, 2015. By opinion and order dated October 6, 2015, this court granted plaintiff's request to proceed in forma pauperis for purposes of its order and dismissed plaintiff's suit for lack of subject matter jurisdiction. Op. & Order, Dkt. #4. One week later, plaintiff filed a motion for reconsideration. Mot. for Recons., Dkt. #5. While the motion for reconsideration was pending before this court, plaintiff also filed a notice of appeal with the United States Court of Appeals for the Second Circuit, challenging this court's dismissal of his suit. Notice of Appeal, Dkt. #7.

This court determined that it retained jurisdiction over plaintiff's motion for reconsideration and entered an opinion and order altering judgment. Op. & Order, Dkt. #8. Specifically, this court determined that new factual allegations presented in the motion for reconsideration regarding subject matter jurisdiction warranted leave to amend the complaint. Id. This court therefore granted plaintiff leave to amend his complaint within 30 days. Id. Plaintiff has failed to do so.

CONCLUSION

Accordingly, this court hereby dismisses this action with prejudice. The court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of an appeal. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

Plaintiff is reminded that if he wishes to challenge this court's opinion and order altering the judgment, or the instant order dismissing this action with prejudice, he must comply with the deadline for filing a notice of appeal or amended notice of appeal set forth in Rule 4(a)(4)(B)(ii) of the Federal Rules of Appellate Procedure. According to that rule,

A party intending to challenge an order disposing of [a timely-filed motion for reconsideration], or a judgment's alteration or amendment upon such a motion, must file a notice of appeal, or an amended notice of appeal—in compliance with Rule 3(c)—within the time prescribed by this Rule measured from the entry of the order disposing of the last such remaining motion.

Fed. R. App. P. 4(a)(4)(B)(ii).

SO ORDERED.

s/Allyne R. Ross

Allyne R. Ross
United States District Judge

Dated: Brooklyn, New York
December 16, 2015